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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,025	12/09/2003	Timothy A. Hazzard	014208.1639 (70-03-021)	7501

35005 7590 02/11/2009

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EXAMINER	
REFAI, RAMSEY	

ART UNIT	PAPER NUMBER
3627	

NOTIFICATION DATE	DELIVERY MODE
02/11/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail2@bakerbotts.com
PTOmail4@bakerbotts.com

Office Action Summary	Application No.	Applicant(s)	
	10/733,025	HAZZARD ET AL.	
	Examiner	Art Unit	
	Ramsey Refai	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,9-13 and 15-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-7, 9-13, and 15-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Responsive to Amendment filed December 10, 2008. Claims 1, 7, 13, 19, and 20 have been amended. Claims 2, 8, and 14 have been canceled. Claims 1, 3-7, 9-13, and 15-20 remain presented for examination.

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Drawings

2. The drawings were received on December 10, 2008. These drawings are acceptable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3-7,9-13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teper et al (US. 5,815,665) in view of Grabelsky et al (US 7,480,723).

5. As per claim 1, Teper et al teach a method for providing access to a service, comprising:

providing at least a subset of a directory of a plurality of services to a portal communicating with a user system **(see at least column 5, lines 49-55, column 8, line 64-column 9, line 24; customized services for individual users)**, the plurality of services associated with a plurality of third party vendors, a service of the plurality of services comprising use of a software application **(see at least column 1, lines 13-31, column 8, lines 7-19)**;

receiving a selection of one or more selected services of the plurality of services from the user system **(see at least column 9, lines 9-53, fig 2; user is presented with customized services and selects a service provided by a service provider**, the one or more selected services associated with one or more conditions governing access to the one or more selected services; receiving a user identifier; linking the one or more selected services with the user identifier; and allowing the user identifier access to the one or more selected services according to the one or more conditions **(see at least column 9, lines 50-60, column 15, line 57-column 16, lines 18)**.

Teper et al teach using user specified preferences to customized service to individual users **(see at least column 3, line 65-column 4, line 5)** but fails to *explicitly* teach *receiving, from the user system, a user-specified search value of a search variable directed to a feature of the services; querying the directory of the plurality of services according to the search value; and identifying the subset of the directory according to the search value.* However, in the same field of endeavor, Grabelsky et al teach a method for providing services to a user. The method allows the user to enter a query into the user device. The query is then used to search a database to find matches. A response with a portion of the list of matches found is sent to the

user **(see at least figs 7-9, column 1, line 57-column 2, line 3).** It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to combine the teachings of Teper et al and Grabelsky et al because doing so would allow the system in Teper to use a search value provided by the user as a way to customized the services for the requesting user.

It is noted that ***KSR*** forecloses the argument that a **specific** teaching, suggestion, or motivation is required to support a finding of obviousness. Under ***KSR***, a claim would have been obvious if the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than ***predictable results*** to one of ordinary skill in the art at the time of the invention. Thus the claimed subject matter likely would have been obvious under ***KSR***.

6. As per claim 3, Teper et al teach wherein providing at least the subset of the directory of the plurality of services to the portal communicating with the user system further comprises: providing a list of a plurality of categories of the plurality of services; receiving a selected category of the plurality of categories from the user system, the selected category comprising the subset of the directory; and providing at least the subset of the directory **(see at least column 5, lines 49-55, column 8, line 64-column 9, line 24).**

7. As per claim 4, Teper et al teach wherein allowing the user identifier access to the one or more selected services according to the one or more conditions further comprises: verifying a passcode corresponding to the user identifier; and providing the user identifier access to the one or more selected services in response to verifying the passcode, the one or more selected

services comprising at least one service furnished by at least one third party vendor **(see at least column 9, lines 50-60, column 15, line 57-column 16, lines 18)**.

8. As per claim 5, Teper et al teach wherein allowing the user identifier access to the one or more selected services according to the one or more conditions further comprises: determining usage of access to the one or more selected services; calculating compensation for the usage according to the one or more conditions; and providing the compensation to at least one third party vendor furnishing the one or more selected services **(see at least column 1, lines 37-41, column 8, lines 20-25)**.

9. As per claim 6, Teper et al teach wherein allowing the user identifier access to the one or more selected services according to the one or more conditions further comprises allowing the user identifier access to the one or more selected services through the portal **(see at least column 9, lines 50-60, column 15, line 57-column 16, lines 18)**.

10. As per claims 7, 9-13, and15-20, these claims contain similar limitations as claims 1 and 3-6 above and therefore are rejected for similar reasons.

Conclusion

Examiner's Note: The Examiner has cited specific citations in the reference(s) as applied to the claim(s) above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing their response, fully consider the references in entirety as potentially

teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
February 6, 2009
/Ramsey Refai/
Examiner, Art Unit 3627